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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

Federal-State Joint Board on)
Universal Service)

CC Docket No. 96-45
AAD/USB File No. 98-42

COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION
ON THE PETITION OF
THE COLORADO PUBLIC UTILITIES COMMISSION
FOR RETROACTIVE SUPPORT ON BEHALF OF GREAT PLAINS COMMUNICATIONS

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National Telephone Cooperative Association

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In the Matter of)	
)	
Petition of the Colorado)	CC Docket No. 96-45
Public Utilities Commission for)	AAD/USB File No. 98-42
Retroactive Support on)	
Behalf of Great Plains)	
Communications Pursuant to)	
Section 254 of the)	
Communications Act)	

COMMENTS OF THE
NATIONAL TELEPHONE COOPERATIVE ASSOCIATION

The National Telephone Cooperative Association ("NTCA") submits these comments in response to the Commission's *Public Notice*, DA 98-421 released on March 19, 1998, in the above-captioned matter. NTCA is a national association of approximately 500 local exchange carriers ("LECs"). These LECs provide telecommunications services to end users and interexchange carriers throughout rural America. The Colorado Public Utilities Commission ("Petitioner") has filed on behalf of Great Plains Communications, an NTCA member.

DISCUSSION

NTCA strongly supports the Petition for Waiver ("Petition") of 47 U.S.C. § 254 as pertaining to Great Plains Communications ("Great Plains"). This Petition comes to the Commission following a determination of the Colorado Public Utilities Commission ("CPUC")

that Great Plains is a telecommunications carrier eligible for Universal Service support, retroactive to January 1, 1998.

Great Plains filed an application for designation as an eligible telecommunications carrier with the CPUC on December 19, 1997. The application was supplemented on January 26, 1998. In its application, Great Plains requested that the CPUC designate it as an eligible telecommunications carrier in accordance with 47 U.S.C. 214(e)(2), which provides that a state commission shall, upon its own motion or upon request, designate a common carrier that meets the requirements of Section 214(e)(1) as an eligible telecommunications carrier for a service area, and Commission rules that parallel the requirements of Section 214(e).¹ Due to procedures of the CPUC and in consideration of the waiver requests in Great Plains' application, it was impossible for the CPUC to rule on Great Plains' application before January 1, 1998, the deadline for eligible carrier designation.²

Currently, Great Plains is a common carrier providing telecommunications services in Colorado, and is also a rural telephone company within the meaning of 47 U.S.C. § 153.³ The company requested designation within its identified service area. It has a tariff for the provision

¹ See, 47 C.F.R. § 54.201(b).

² Petition at 1.

³ See Decision No. C98-136, Docket No. 97A-611T, *In the Matter of the Designation of Great Plains Communications As An Eligible Telecommunications Carrier, (Commission Order Granting Application For Designation As An Eligible Telecommunications Carrier)*, (Exhibit A), ¶ 2, adopted Feb. 4, 1998.

of local exchange service on file with the CPUC.⁴

Great Plains qualifies for designation as an eligible telecommunications carrier under 47 C.F.R. § 54.201(d). It offers all of the services receiving Universal Service support, using its own facilities, and advertises the availability of those services and their charges for using media of general distribution.⁵

The FCC issued its *Fourth Order on Reconsideration* shortly after the filing of Great Plains' application.⁶ The *Fourth Order* (¶ 23) gives state commissions the authority to designate a telecommunications carrier as eligible, retroactive to January 1, 1998, provided that the carrier filed its application prior to January 1, 1998, and the provision of retroactive support is in the public interest. The CPUC found that Great Plains had met both requirements.⁷

It is in the public interest for the FCC to grant the Petitioner's request for retroactive support on behalf of Great Plains. Great Plains offers telecommunications services in a rural, high cost area. Its customers have historically benefitted from the provision of Universal Service support.⁸ Great Plains and its customers will be harmed significantly if CPUC's petition is denied. If Great Plains is denied retroactive support, its customers will face significant price increases for local telephone service, contrary to the intent of Section 254 of the

⁴ Id.

⁵ Id. at ¶ 3.

⁶ Federal-State Joint Board on Universal Service, *Fourth Order on Reconsideration*, FCC 97-240, Dec. 30, 1997.

⁷ Exhibit A, ¶ 7.

⁸ Petition at 2.

Telecommunications Act of 1996 and the FCC's policy of promoting low cost, high quality basic telephone service.⁹ Great Plains, which complied with state mandates, should not be punished because of procedural delays in the receipt of its eligible status. Its customers should be able to avail themselves of the benefits that Universal Service support has traditionally afforded their area. NTCA strongly supports the Petitioner's request for retroactive Universal Service support on behalf of Great Plains, as the requirements for designation were met prior to January 1, 1998.

CONCLUSION

For the above stated reasons, the Commission should grant Great Plains retroactive Universal Service support from January 1, 1998.

Respectfully submitted,

NATIONAL TELEPHONE COOPERATIVE
ASSOCIATION

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April 3, 1998

⁹ Id.

CERTIFICATE OF SERVICE

I, Gail C. Malloy, certify that a copy of the foregoing Comments of the National Telephone Cooperative Association in CC Docket No. 96-45,AD/USB File No. 98-42 was served on this 3rd day of April 1998, by first-class, U.S. Mail, postage prepaid, to the following persons on the attached list:


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